

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORACLE CORPORATION,

Plaintiff,

- vs. -

CHARTIS SPECIALTY INSURANCE
COMPANY,

Defendant.

Civil Action No. 1:18-cv-03440-GHW

**NOTICE OF MOTION TO
PARTIALLY DISMISS PLAINTIFF'S
COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Deborah Hirschorn, dated July 19, 2018, together with Exhibits 1 through 4 thereto, Defendant's Memorandum of Law in Support of Its Motion to Partially Dismiss the Complaint, dated July 19, 2018, all filed herewith, and on all other papers and pleadings herein, Defendant AIG Specialty Insurance Company (f/k/a Chartis Specialty Insurance Company) ("Defendant" or "AIGSIC"), through its undersigned attorneys, will move this Court, as permitted by this Court's Orders entered June 18, 2018 and June 27, 2018 [ECF Nos. 23 and 30 respectively], at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, Courtroom 12C, on such a date and time as the Court may direct, to (i) partially dismiss the First Cause of Action of Plaintiff's Complaint, to the extent it seeks declaratory relief as to indemnification of Settlement Costs, and (ii) dismiss the Third Cause of Action, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that Plaintiff's opposition to this Motion is due within the time limits set forth in ECF Nos. 23 and 30.

PLEASE TAKE FURTHER NOTICE that Defendant's reply in further support of this Motion is due within the time limits set forth in ECF Nos. 23 and 30.

Dated: July 19, 2018
New York, NY

BRESSLER, AMERY & ROSS, P.C.

By: /s/ Robert Novack
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Charles W. Stotter
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*Attorneys for Defendant AIG Specialty
Insurance Company (f/k/a Chartis Specialty
Insurance Company)*

CERTIFICATION OF SERVICE

I hereby certify that on July 19, 2018, the within Notice of Motion was electronically filed, along with the accompanying Declaration of Deborah Hirschorn dated July 19, 2018 (with Exhibits 1 through 4 attached thereto), and Defendant's Memorandum of Law in Support of Its Motion to Partially Dismiss the Complaint, dated July 19, 2018, and true copies of the same were served, pursuant to the Federal Rules of Civil Procedure, the Southern District of New York's Local Rules and/or the Southern District of New York's Electronic Case Filing Rules & Instructions via ECF filing to all counsel of record.

Date: July 19, 2018

/s/ Charles W. Stotter
Charles W. Stotter